

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION

JEFF SCHMIDT,

Plaintiff,

V.

AMERICAN INSTITUTE OF PHYSICS,

Defendant.

Civil Action No. AW-04-3774

**MOTION TO REOPEN ACTION PENDING CONSUMMATION OF SETTLEMENT**

Plaintiff Jeff Schmidt moves the Court for an Order reopening this action for a period of thirty days. Plaintiff so moves so that the parties may fulfill remaining obligations and consummate the settlement of this action. Plaintiff attempted to get consent to this Motion from counsel for AIP, but had not received a response at the time of filing.

The reasons in support of this Motion are more fully set forth in the accompanying Memorandum in Support, which is incorporated herein.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patricia G. Butler", is written over a horizontal line.

Patricia G. Butler (#12844)  
Erik T. Koons (#16396)  
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Dated: June ~~20~~<sup>22</sup>, 2006

*Attorneys for Plaintiff*  
*Jeff Schmidt*

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**MEMORANDUM IN SUPPORT OF  
MOTION TO REOPEN ACTION PENDING CONSUMMATION OF SETTLEMENT**

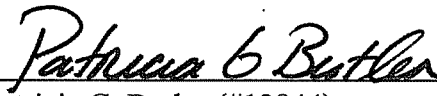
Plaintiff Jeff Schmidt requests that the Court reopen this action for a period of thirty days so that the parties may complete outstanding obligations necessary to finalize the settlement of this action.

By order dated March 27, 2006, this Court dismissed this action without prejudice. The entry of the Order was “without prejudice to the right of a party to move for good cause within 90 days to reopen this action if settlement [was] not consummated.” This 90 day period will expire on June 26, 2006 and Plaintiff believes that good cause exists to reopen this action for an additional thirty days. The parties have worked to fulfill all obligations required to consummate the settlement within this period. At this point, the parties have fulfilled all outstanding obligations except for two obligations. First, a check must be issued to Plaintiff that reflects

payroll tax deductions with an accompanying W-2 Form. Second, Plaintiff must receive a guaranty from the company administering his settlement annuity. Plaintiff expects these obligations will be fulfilled within the next thirty days and the settlement will be consummated.

For the foregoing reasons, Plaintiff respectfully requests that the Court reopen this action for thirty days.

Respectfully submitted,



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Dated: June ~~20~~<sup>22</sup>, 2006

*Attorneys for Plaintiff*  
*Jeff Schmidt*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to Reopen Action Pending Consummation of Settlement, Memorandum in Support and Proposed Order were served electronically on June 22, 2006 upon the following:

Wendy J. Mellk  
JACKSON LEWIS LLP  
58 South Service Road  
Suite 410  
Melville, NY 11747

  
Patricia G. Butler

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**[PROPOSED] ORDER**

It is this \_\_\_ day of June, 2006, by the United States District Court for the District of Maryland, hereby ORDERED that:

This action is reopened for a period of thirty days to provide the parties with the time needed to finalize the settlement of this action.

Alexander Williams, Jr.  
United States District Court Judge